THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21648 OF 2006

DATED: 25-06-2007

BETWEEN

Shaik Haji Basha,
S/o. Late Mohiddin Saheb,
Retired ARI, R/o. C.S. Puram,
(V & M), Prakasam District
and another.

...PETITIONERS

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Saifabad, Hyderabad and others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioners submits that the first petitioner worked as Additional Revenue Inspector and the second petitioner is working as Lecturer. Due to the family disputes between the second petitioner and his wife certain criminal cases have been registered against them and during the pendency of the said case,
the police is unnecessarily interfering with their personal life and liberty.

2. Counter has been filed stating that the private complaint filed by the wife of the second petitioner before the Additional Judicial Magistrate of First Class, Kandukur, was forwarded to the Kandukur Town Police Station for investigation under Section 156(3) of the Code of Criminal Procedure. Based on the said complaint a case in Cr.No.70 of 2003 was registered

under Sections 498-A read with 34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act and investigated. A charge sheet was filed, which was numbered as C.C.No.222 of 2003 and pursuant to the transfer petition before the Sessions Court, Ongole the aforesaid case was transferred to Additional Judicial Magistrate of First Class, Chirala and numbered as C.C.No.167 of 2004, which is pending trial. Thereafter, the wife of the second petitioner filed another complaint based on which a case in Cr.No.133 of 2004 under Sections 323, 452 and 506 IPC was registered on 23.10.2004 and during the course of the investigation it was found that the petitioners committed the offences under Sections 323, 452 and 506 IPC.

When the second respondent tried to apprehend the petitioners, they filed W.P.No.21924 of 2004 before this Court, which was dismissed as infructuous on 06.06.2005. After completing the investigation in Cr.No.133 of 2004 a charge sheet was filed, which was numbered as C.C.No.433 of 2004 on the file of the Judicial Magistrate of First Class, Kandukur. Thereafter, the wife of the second petitioner filed another complaint in CFR.No.7043 of 2006 on the file of the Additional Judicial Magistrate of First Class, Kandukur, which was registered on 15.09.2006 as Cr.No.126 of 2006 under Sections 354 and 506 IPC, but after investigation the same was referred as false stating that the allegations were not found to be true and correct.

It is stated that pursuant to Cr.No.126 of 2006 only certain witnesses have been examined but the life and liberty of the petitioners was not at all interfered with. It is further stated that the official respondents never interfered with the personal life and liberty of the petitioners and they never had any vigil or surveillance on the movements of the petitioners or interfered with the property of the petitioners.

3. In view of the categorical denial of all the allegations of the petitioners, I am of the opinion that the petitioners are not entitled to any relief in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as

to costs.

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V. ESWARAIAH, J

June 25, 2007
DSK